

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
<i>ex rel.</i> SOUTHWIND CONSTRUCTION)	
SERVICES, LLC)	
)	
Plaintiff/Relator,)	
)	
v.)	CIV-15-0102-R
)	
THE ROSS GROUP CONSTRUCTION)	
CORPORATION,)	
THE ROSS GROUP, LLC,)	
RED CEDAR ENTERPRISES, INC.,)	
PENTACON, LLC,)	
C3, LLC,)	
JOHN DOES 1-5,)	
)	
Defendants.)	

STIPULATION OF, AND CONSENT TO, DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Relator Southwind Construction Services, LLC (“Relator”), and the United States of America (United States) hereby stipulate and consent to the dismissal of this *qui tam* action in accordance with the terms set forth below.

The United States, Relator and certain Defendants, consisting of the Ross Group Construction Corporation, the Ross Group, LLC, PentaCon, LLC and C3, LLC (collectively, the “Ross Group Defendants”), entered into a Settlement Agreement on February 19, 2020, compromising certain claims and causes of action set forth in Relator’s Complaint (hereafter the “Settlement Agreement”). In the Settlement Agreement, the United States and Relator also settled any and all claims and causes of action that Relator

may have against the United States relating to a share of the proceeds from the Settlement Agreement pursuant to 31 § 3730(d)(1), and Relator and the Ross Group Defendants also settled any and all claims and causes of action Relator may have against these Defendants under the same provision for expenses, attorney fees and costs related to Relator's Complaint. The Relator did not release in the Settlement Agreement any claims or causes of action that may arise in the future based on acts or omissions by the Defendants subsequent to the execution of the Settlement Agreement.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), and subject to the terms and conditions of the Settlement Agreement, the United States and the Relator hereby stipulate to the dismissal of the Complaint against the Ross Group Defendants. This dismissal shall be with prejudice to the Relator, and, with respect to the United States, shall only be with prejudice to the specific claims that the United States agreed to release in the Settlement Agreement relating to the "Covered Conduct," as that term is defined in the Settlement Agreement, but, otherwise, shall be without prejudice to the United States. Additionally, subject to the terms and conditions of the Settlement Agreement, the Relator dismisses with prejudice its Complaint as to the remaining Defendants in this action, and the United States consents to this dismissal provided that such dismissal is without prejudice as to any claims it may have against these Defendants.

A stipulated dismissal under Fed.R.Civ.P. 41(a)(1)(A)(i) is appropriate because the Complaint has not been served upon Defendants, and the Defendants, therefore, have not filed an answer to the Complaint.

A proposed Order is attached for the convenience of the Court.

[Signatures appear on the following page]

Dated: July 24, 2020

Respectfully submitted,

Ethan P. Davis
Acting Assistant Attorney General

TIMOTHY J. DOWNING
United States Attorney

s/Kay Sewell
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Counsel for Relator Southwind Construction
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CERTIFICATE OF SERVICE

The undersigned certifies that on this date, July 24, 2020, a copy of the foregoing was served on the attorneys of record in this case via the Court's electronic filing system.

s/Kay Sewell

Kay Sewell, OBA #10778

Assistant U.S. Attorney